

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RONALD L. BALLOU,	)	
	)	
Plaintiff,	)	4:15CV3106
	)	
V.	)	
	)	
MICHAEL L. KENNEY, et al.,	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
Defendants.	)	

Plaintiff seeks the appointment of counsel. (Filing No. [3](#).) The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors, as well as Plaintiff’s submissions regarding the matter (Filing Nos. [3](#), [4](#).), the court concludes that Plaintiff does not require counsel at this time. However, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS ORDERED that Plaintiff’s Motion for Appointment of Counsel (Filing No. [3](#)) is denied without prejudice to reassertion.

DATED this 30<sup>th</sup> day of March, 2016.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge